



# Addiction Research and Treatment

## BAART

Visalia Clinic  
1646 South Court Street  
Visalia, CA 93277

Telephone: (559) 625-8890 www.baartprograms.com Fax: (559) 733-5053

January 26, 2015

Angela Garner  
Deputy Director  
Division of State Demonstrations and Waivers  
Center for Medicaid and CHIP Services, CMS  
7500 Security Boulevard, Mail Stop S2-01-16  
Baltimore, MD 21244-1850

**Re: Proposed California Amendment to Bridge to Health Reform  
Demonstration (No. 11-W-00193/9), Drug Medi-Cal Organized  
Delivery System Waiver**

Dear Ms. Garner:

I write on behalf of the 748 patients who receive substance use disorder treatment services at our opiate treatment program located at 1646 S. Court Street, Visalia, California. Visalia has a population of approximately 110,000 and is a small urban center in Tulare County, an underserved diverse rural and agricultural region in California's Central Valley.

We are strongly opposed to sections of the California Bridge to Reform Demonstration (No. 11-W-00193/9) Amendment for Drug Medi-Cal Organized Delivery System Waiver, submitted by the California Department of Health Care Services. Our concern, based on eleven years of operation is that waiving federal access protections and granting Tulare County authority to establish reimbursement rates will result in decreased access to critical, life-saving treatment services.

Specifically, the current proposal will waive beneficiary freedom of choice, equality in amount, duration and scope, state wideness and



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reasonable promptness, some of which form the basis of a lawsuit 20 years ago called Sobky Vs. Smoley. Before that lawsuit, counties were able to limit access to our services by limiting DMC slots. After the lawsuit, the counties either complied with the permanent injunction or the state entered into direct contracts with providers. As a result, significantly more people have entered treatment and beneficiaries can access medically-necessary treatment on demand, without the waiting lists that were standard practice before the lawsuit. This waiver is likely to overturn that lawsuit and cause California and Tulare County to regress more than 20 years. We ask that CMS **NOT** do anything that may undermine the permanent injunction that was based on overwhelming evidence of county efforts to limit access. Instead, we suggest CMS require California to carve-out opiate treatment providers from this waiver. Such carve-out will not preclude Tulare County from contracting with our program and offering OTP services to residents of Tulare County.

Our facility in Visalia currently serves 748 patients with substance use disorders. We opened our doors in 2004 and grew to 300 patients within a year, demonstrating the historic need for our services in this county. Health Care Reform (The Affordable Care Act) has subsequently increased access to services. Since January 2014, we have seen an increase from 544 patients to 748. In many cases, these additional patients were individuals with decades-long histories of illicit opiate use and incarceration who had never been able to afford treatment before. This waiver will undermine the intent of the ACA resulting in many individuals being denied treatment or placed on waiting lists, which in turn leads to increased HIV and HCV infection rates and increased incarceration rates.

In summary, BAART Programs in Visalia requests that narcotic treatment programs be exempted from the Organized Delivery System waiver for the above stated reasons.



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If you would like more information, please do not hesitate to contact me.  
Thank you for your consideration.

Sincerely,

Kathy Rogers  
BAART Visalia  
Clinic Director